

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

CASE NO.17-10284-TMD

ADAM DWAYNE FONTENOT

DEBTOR

CHAPTER 13

**TRUSTEE'S OBJECTION TO DEBTOR'S MOTION TO
MODIFY CONFIRMED PLAN AND FIRST REQUEST FOR
SUPPLEMENTAL ATTORNEY FEES**

TO THE HONORABLE JUDGE TONY M. DAVIS, UNITED STATES BANKRUPTCY
JUDGE:

Comes now Deborah B. Langehennig, Chapter 13 Trustee (hereinafter "Trustee") in the above-captioned and numbered bankruptcy proceeding and files this *Objection to Debtor's Motion to Modify Confirmed Plan and First Request for Supplemental Attorney Fees*, (hereinafter, "*Motion to Modify*,") and in support would respectfully show the court as follows:

I.

The Trustee objects to the *Motion to Modify* for the following:

The total paid in to the Plan through the Current month is incorrect in the Motion.

The proposed modified Plan base is incorrect in the Motion and proposed Order.

The Trustee is unable to fully determine the dividend to be paid to unsecured creditors without the deficiency claim of Model Finance or an estimate of the claim by the Debtor.

The Motion was not served on Model Finance at the notice address provided on the proof of claim.

The month count is incorrect in the Motion and Proposed Order.

The pay advices provided reflect higher disposable income than shown on the amended Schedule I filed on November 13, 2017. The Trustee is unable to determine if the Debtor is remitting all disposable income due to the discrepancy.

II.

The modification as proposed thus fails to comply with 11 U.S.C. §§1322 (a), 1325(a) and 1329(b). Any factual allegations in the Motion to Modify that the Trustee has not expressly admitted in this Response are denied.

PRAYER

Wherefore, premises considered, the Chapter 13 Trustee requests that the *Debtor's Motion to Modify Confirmed Plan and First Request for Supplemental Attorney Fees* be denied, and that the Court grant the Chapter 13 Trustee such other, additional and further relief to which she may be justly entitled.

Respectfully submitted,

/s/ Deborah B. Langehennig

Deborah B. Langehennig

6201 Guadalupe Street

Austin, TX 78752

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CERTIFICATE OF SERVICE

I, Deborah B. Langehennig, certify that a true and correct copy of the Trustee's Objection to Debtor's Motion to Modify has been mailed by US Mail (unless otherwise noted below) to the Debtor, the Debtor's Attorney of Record, and all creditors at the addresses listed below on or about December 4, 2017.

ADAM DWAYNE FONTENOT
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Respectfully submitted,

/s/ Deborah B. Langehennig
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